

THE REGULAR MEETING of the ZONING BOARD OF APPEALS of the Town of Cortlandt was conducted at the Town Hall, 1 Heady St., Cortlandt Manor, NY on *Wednesday, May 21<sup>st</sup>, 2014*. The meeting was called to order, and began with the Pledge of Allegiance.

David S. Douglas, Chairman presided and other members of the Board were in attendance as follows:

Wai Man Chin, Vice Chairman  
Charles P. Heady, Jr.  
James Seirmarco (absent)  
John Mattis  
Adrian C. Hunte  
Raymond Reber

Also Present

Ken Hoch, Clerk of the Zoning Board  
John Klarl, Deputy Town attorney

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**ADOPTION OF MEETING MINUTES FOR APRIL 23, 2014**

So moved, seconded with all in favor saying "aye."

Mr. David Douglas stated the April minutes are adopted.

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**ADJOURNED PUBLIC HEARINGS:**

- A. CASE No. 18-09                      Post Road Holding Corp.** for an Area Variance for the dwelling count for a proposed mixed use building on the properties located at **0, 2083 and 2085 Albany Post Road, Montrose.**

Mr. David Douglas stated this is a momentous occasion. I'll turn it over to Mr. Klarl.

Mr. John Klarl stated thank you Mr. Chairman, the reason this is a momentous occasion is we're on the five-year anniversary of this case. What happened is we formulated a Decision and Order back on August 18<sup>th</sup>, 2009 and we're awaiting for the applicant to complete his application before the Planning Board for conditional Site Plan Approval which he now has finished. Tonight, I brought from my Planning Board file: I brought the Planning Board Resolution. So,

the Planning Board adopted a Resolution earlier this month on May 6<sup>th</sup>, 2014 which adopted **Resolution 14-14** and that gave the applicant Site Development Plan Approval and Tree Removal Permit. One of the conditions in the Planning Board Resolution is condition **8** or condition **7** which says: "obtain a D&O from the Zoning Board of Appeals to permit the construction of one building containing 6 residential units i.e.: a Variance for the dwelling count for the proposed mixed-use building and properties located at **0, 2083 and 2085** advertised: Albany Post Road, as advertised and applied for and Zoning Board of Appeals **case #18-09.**" The Planning Board arm of this application has been resolved. We now are taking a look at the August 2009 D&O that we considered and we've held in abeyance to do coordinated review with the Planning Board and that Decision and Order was copied for the Board today by Mr. Hoch, he gave out copies to everyone, thank you Mr. Hoch. It's a page and a half and it reads as follows: "This is an application by Post Road Holdings Corp. for a variance for the dwelling unit count for a proposed mixed-use building on the three (3) properties located at **0, 2083 and 2085** Albany Post Road in Montrose. The Applicant's three (3) properties are located in the **HC/9A** Zoning District, and the Applicant seeks a variance for the dwelling unit count, in the proposed mixed-use building, from an allowed four (4) dwelling units up to a proposed six (6) dwelling units. The Applicant's proposed building is to be constructed on the Applicant's three (3) existing properties. The Applicant's three (3) properties would be required to be merged for the resulting merged lot to meet the required square footage for the Applicant's proposed six (6) dwelling units. The Town Zoning Ordinance's Table of Permitted Uses (**Part 1**) allows for a "3 to 4 family dwelling" as a permitted use in the **HC/9A** Zoning District and, pursuant to Note 1, can be "contained within a structure also used for commercial purposes, or as principal use". The Town Zoning Ordinance's Table of Dimensional Regulations (**Part 2**) for the **HC/9A** Zoning District states that a mixed-use building (where "three and four - unit dwellings are limited to no more than two bedrooms per unit") requires a minimum lot area of 7,500 square feet per dwelling unit. In the instant case, the Applicant's merged property will consist of **46,990** square feet, thereby resulting in a calculation of **6.26** dwelling units (then, rounded down to the requested 6 dwelling units). Therefore, with this zoning background, the Applicant is requesting to construct one building with six (6) dwelling units (where, otherwise two buildings would be required to be constructed to house six dwelling units). Of course, the Applicant's proposed building will have to conform to all the other requirements of the Town Zoning Ordinance (i.e., parking spaces, lot coverage, setbacks, etc.). Furthermore, a closer review of the above Town Zoning Ordinance provisions results in the following permitted versus proposed bedroom counts for these three properties once merged in the HC/9A Zoning District:

Permitted: 4 family dwelling x 2 bedrooms each = 8 bedrooms

Proposed: 6 dwelling units x 1 bedroom each = 6 bedrooms

This Board believes that from a site layout standpoint, and for land preservation, the Applicant's proposed 1 building with 6 dwelling units, with 1 bedroom each, makes sense for both the Applicant and the Town in the clean and efficient development of the Applicant's three properties, with less impacts with one building (versus two buildings). Therefore, this Board hereby GRANTS the Applicant's request for a variance in the dwelling unit count, in the Applicant's proposed mixed-use building, from an allowed four (4) dwelling units up to a

proposed six (6) dwelling units subject to the following conditions:

1. The Applicant's proposed building will be retail space on the first floor, and no more than six (6) one-bedroom dwelling units on the second floor.
2. The Applicant shall apply for and obtain Site Development Plan approval for the Applicant's proposed mixed-use building from the Town Planning Board.
3. The Applicant shall merge the three (3) properties which are the subject of this variance, and shown on the Composite Boundary and Topographic Survey, dated February 28, 1995 and updated July 21, 2007, by Baxter Land Surveying, P.C., following Site Development Approval by the Planning Board and prior to obtaining a Building Permit, subject to the review and approval of the Director of DOTS and the Town Law Department.

This is a Type II application under SEQRA. However, the SEQRA determination herein was made with the Planning Board Resolution that I referenced earlier. Mr. Chairman, we've dusted off and just read our five-year-old D&O.

Mr. Raymond Reber stated I make a motion that we approve the D&O just read.

Seconded with all in favor saying "aye."

Mr. David Douglas stated that Decision and Order is approved.

**B. CASE No. 2013-18**                      **DOTS Code Enforcement** request for an Interpretation and determination of the non-conforming status: in **Case #161-87** an Interpretation was granted to this property that a tutorial service conducted by the Petitioner within their home was a customary home occupation. The Application was accompanied by statements from the applicant as to the number of students, employees, etc. At the time the Interpretation was granted, the Ordinance did not contain a cap on the number of employees or students that could be on the premises. Subsequently, the Ordinance was amended to limit the number of students and employees. A determination is needed as to what if any limits apply to **Case #161-87** presently.

Mr. David Douglas stated Mr. Hoch it's my understanding that the DOTS would like to withdraw this...

Mr. Ken Hoch responded yes, DOTS would like to withdraw this application.

Mr. John Klarl asked without prejudice?

Mr. David Douglas stated withdrawn without prejudice. It's withdrawn. Thank you Mr. Hoch.

**C. CASE No. 2013-33 Sharon Garb** for a Special Permit to establish and maintain appropriate screening for an existing contractor yard on property located at **2201 Crompond Rd., Cortlandt Manor.**

Ms. Sharon Garb stated good evening.

Ms. Adrian Hunte stated good evening. When last we spoke you were in the process of getting the proper screening and trees and at our work session on Monday we discussed the progress and according to Mr. Hoch, the cleanup is under way...

Ms. Sharon Garb responded it has been under way.

Ms. Adrian Hunte asked are you ready to plant the first group of trees?

Ms. Sharon Garb responded they've been ordered? It's taking a little delay because they're getting much taller trees than was originally thought so that the neighbor would be more pleased that they would hide more. Also, Mother Nature hasn't helped out a great deal in that all our foliage, of course, covers the whole area at this time of the year, but of course what he's concerned about is in the winter months when the leaves aren't on the tree, but they are on order. My husband will explain.

Mr. Garb responded they have been ordered **8 to 10** foot trees are on order now from a nursery in Armonk. There are three smaller ones that are coming from the one on 202. I sure hope they will be there tomorrow, the shorter ones and the contractors who couldn't be here tonight have been very busy with a job, one in Albany, someplace else. They haven't been able to spend the time to do what they said they were going to do but they're going to get together and bring them up here, hopefully within a week. They are being taken care of. It is being done. It's a slow process but it is being done and the rest of the cleanup as well. We have to get the rest of the cutup wood. We've had somebody come and take some more of it and hope to get some more taken out and get the rest of the pile of the wood out of there.

Ms. Adrian Hunte asked Mr. Hoch, and so we just have to make sure that these are acceptable to the neighbor?

Mr. Ken Hoch responded yes, I think if the Board would adjourn this for another month. By the time we get to June hopefully the cleanup's done and the plantings are done.

Mr. Garb stated we should have it done.

Ms. Adrian Hunte stated very good. Thank you. Does anybody in the audience want to be heard?

Mr. Steve Grossman stated I live at 11 Peachtree which is right across the street from Manny Foto who started this. As of weeks ago, I can't understand how anybody is saying the placed has been cleaned up. There's logs, there's trucks, there's wood against the fence. We even took a look today.

Ms. Adrian Hunte stated well, I think staff, Mr. Hoch, they've been to the property and there's been a dumpster filled and I don't think they've completed...

Mr. Ken Hoch stated what I said was that they started the cleanup they're not finished.

Mr. Steve Grossman asked wasn't the cleanup supposed to be started months ago?

Ms. Adrian Hunte responded the winter – I think it's been started...

Mr. Steve Grossman stated the weather has been broken for a while. Also, we had been approached by the landscapers, I guess they are, right at Easter time, actually that day I think it was and they said that the trees would be put up next week. They were waiting for some bigger trees or something and now I'm hearing that they're waiting for bigger trees today. Is there like proof that that's actually ordered or are we just taking everybody's word on this because this is getting monotonous and coming back-and-forth here for the same thing.

Ms. Adrian Hunte responded well, I think we have, according to the Garb's, they've started and they've ordered and they're waiting on contractors, they're waiting on deliveries so there was nothing saying that they were supposed to be completed by today. This was a status report and it is being put over until next month, hopefully it will be completed.

Mr. Steve Grossman stated so basically another month we're talking, we're going to be going into July already. So by the time this happens – I mean we started this December or January and where are we? Have they really purchased the trees?

Ms. Adrian Hunte stated we appreciate your comments. We've already gotten the status report and it's put over until next month.

Mr. Steve Grossman stated excuse me, have they really purchased the trees?

Mr. John Mattis responded we're not going to question the integrity of these people. They said they'll have it done next month. We take that at face value.

Mr. Steve Grossman stated we heard the same thing last month.

Mr. John Mattis responded he said it was delayed. They told us why it was delayed.

Mr. Wai Man Chin stated and they did have a bad winter until last month so we had a very bad winter. We're talking about four or five months of winter.

Mr. John Mattis stated they explained there was a delay because they're getting bigger trees, which you should be pleased with, and they said they'll have them in a couple of days and it'll be done by next month.

Mr. Steve Grossman responded okay. So we're going to have another meeting next month?

Mr. David Douglas responded June 18<sup>th</sup>.

Mr. Steve Grossman stated thank you.

Mr. David Douglas stated thank you very much.

Ms. Adrian Hunte asked anyone else in the audience wish to be heard? Hearing none, I make a motion on **case #2013-33**, Sharon Garb for a Special Permit to establish and maintain appropriate screening for an existing contractor yard on property located at 2201 Crompond Road, Cortlandt Manor that we adjourn the matter to the June 18<sup>th</sup>, 2014 Zoning Board of Appeals meeting.

Seconded with all in favor saying "aye."

Mr. David Douglas stated **case #2013-33** is adjourned until June.

**D. CASE No. 2013-37                      DOTS Code Enforcement** for an Interpretation that the pre-existing, non-conforming five-family residence has been in continuous use since July 15, 1996, with none of the units vacant for more than one year from that date to the present on property located at **1 Hale Hollow Rd., Croton-On-Hudson.**

Mr. John Sullivan stated good evening Mr. Chairman, members of the Board, my name is John Sullivan. I represent Rita Weeks the property owner at 1 Hale Hollow Road. I'm used to having a podium here so I'm a little out of sorts.

Ms. Adrian Hunte stated good evening.

Mr. John Sullivan stated Mr. Chairman I believe Heather Murphy would like make a statement and I believe other people would like to make statements as well.

Ms. Heather Murphy stated good evening, I'm Heather Murphy. I'm actually a relative of Rita Weeks. I'm her niece. My mother's her sister. I have a statement I'd like to read. I apologize, I came from work so work attire unfortunately. My name's Heather, I currently reside at **19** Eastbrook Road in Walton when I'm not working. When I am working I reside at 1 Hale Hollow

Road in Croton. I have read both of the depositions of Marion and Dora who previously were tenants at 1 Hale Hollow Road. I was quite surprised when I read the statements of both of them. I've been staying in the barn, that's what we call 1 Hale Hollow Road, it's always had the name "the barn" for many years. I visited there when I was a child. I started a job in the VA in **2009**. I moved out here without my family and stayed at the barn. At that time, I had interaction with Marion more than on a regular basis. When I read her statement and it said that I did not ever live there, it was sort of a surprise. I did move to New York to be closer to family. I spent quite a bit of time with my aunt, she's the only family that I have right here in New York. I have family further east. I also have family south and west but she's – her and my mom are probably the closest family that I have. I also moved out here so that I could get property to be able to house my horses and the rest of my family. I came from Utah. Surprisingly there is not any property there that is affordable for the working individual. I originally moved out here in **2009**. I stayed in one of the apartments, apartment **2**. I was there until I think July of **2011** and then I ended up moving to another apartment in the building. I guess different people want to live in different parts of the building so I moved to whatever apartment's available when I need to be there and when she doesn't have someone else renting it. So, I moved to apartment **4** and I was there until about March of **2014**. Now, I actually, when I come down and stay I stay with her if I need to and if she gets an open apartment then again I will stay there which is always nice to have my own apartment. Again, I can't stress enough, I'm floored that Marion would say that I never lived there. I can't tell you how many conversations that we've had about missing my kids and missing my horses and not being able to see my family. In addition to conversations about – that was really my first apartment. I'd never lived on my own. I had children and lived with my parents and then lived with my husband. The apartment in Croton was my very first live alone apartment and have no kids and have no responsibilities because they were all far away in Utah. Dora is a different story. We really never had any conversations, not very many, and if there were they were very limited. She was very offish and I just really didn't quite feel comfortable around her so I just sort of stayed out of her way to not upset her as she was a paying tenant that I didn't want to be in her way. I am disappointed actually in Dora's statement about feces being all over. When I moved here I brought one of my dogs, I have a Yorkie, or I had a Yorkie and he wasn't even allowed to pee on the sidewalk. I had to carry him all the way out past the gate, out in the driveway in order for him to use the bathroom at all because she was very particular and when he pooped in the driveway that was something I had to pick up right then and there. It was not a wait, it was not a tomorrow, it was not at the end of the week so to say there were any kind of feces on the sidewalk, that was not from birds that lived in the trees, which of course we have no control over or other animals that just live there because it's the middle of the woods was really saddening to me. I just want to make sure I covered everything. I'm sorry. When I originally moved out to my aunt's, had she not allowed me to stay there I wouldn't have had anywhere to stay. I acquired a job at the VA in Albany. It was quite a long drive. I drove **2 ½** hours to Albany, **3** days a week because I worked **12**-hour shifts. I would have been living in my car. I certainly didn't have the money to make a mortgage payment in Salt Lake and make an apartment payment out here and I have to tell you the apartment payments here in New York are quite a bit higher, especially in Croton. I was very surprised to hear what it cost to rent an apartment. For me to be out here and to have my family back in Salt Lake, it would not have monetarily been feasible for me to maintain any kind of a house here if I didn't have her help and

I wasn't able to stay in Croton, it's just not possible. I guess that's pretty much it. I have watched this cause a lot of aggravation to a lot of people. It's disheartening for me. I think life's too short and my aunt's been through a lot. I've been around for a lot of years and it's really sad the anger between all of the people dealing with this. Because of that, I try not to stay down here as much as I can so that she doesn't have any issues but it's sad, the whole situation.

Ms. Adrian Hunte stated thank you.

Mr. John Klarl asked you're making that typed statement part of the record?

Mr. David Douglas stated it's up to you.

Mr. John Sullivan stated it will be part of the minutes in any event.

Ms. Heather Murphy stated I didn't read it word-for-word.

Mr. John Klarl stated it's up to you whether you want to submit it to the record.

Ms. Heather Murphy stated I'm happy to submit it on record, absolutely. Where would you like it?

*Mr. John Sullivan gave statement to Mr. Hoch.*

Mr. Raymond Reber asked anyone else in the audience want to speak? Please come up.

Mr. Gary Re stated my wife Rita and I live at the barn. I ask for some patience because I haven't said much at these meetings and I have quite a bit to say in my statement, so please be patient and our livelihood depends on this so I feel I have a need to expand. "The first question that must be asked is, "Why are we here?" The answer is simple: Pat Post. She has been harassing us for years, submitting complaints to the Town of Cortlandt for every perceived violation of the Town Code. She even submitted a complaint that our little seven-pound Yorkshire terrier urinated in the street in front of her house. Prior to about 7 years ago, we had no problems between us. I've been to her house as well as to Charlie and Susan Braue's house. Relationships were amicable. For example, I was shooting hoops one day; Ed Post drove up and told me to be careful, since I was overweight and exertion on a hot day could be bad for me. Then something happened circa **2007-2008**, Rita and I will probably never know why, but Pat was no longer friendly. We suspect it had to do with Rita's refusal to sign a petition against another neighbor. Following that event, she began her harassment campaign that has continued to this day. When she perceived that the 1-year code limit could apply to us, she enlisted the help of 2 evicted tenants to submit their affidavits, which she used in her complaint submittal. Even worse, she has turned Charlie, Susan and Louis against us. The neighborhood has become an ugly place, as several meetings ago Gabriella Barkan tried to describe and she ended up in tears. Here are the facts. Code Enforcement responded to Pat's multi-family occupancy complaint by issuing us a violation on October 24, 2011. We immediately contacted our attorney at that time. Over the

next few months, he worked with Mr. Wood, the Town Attorney, to resolve the issue. At the same time, another complaint submitted by Pat Post resulted in a violation pertaining to the basketball hoop that had been in existence on the side of the road for over **30** years. This is the same hoop that Ed post had warned me to be careful. After several months of work by Mr. Wood and our attorney, on April 30, 2012, Mr. Wood issued a memo to Mr. Hoch that clearly stated that there was no proof of “reduction diminishment or cessation of the non-conforming use of the subject premises.” Therefore, at this point, to my knowledge, the case was closed. A month later, on July 30, we received a letter from the Town advising us of the September 19, 2012 ZBA meeting. On the schedule, a public hearing “for an Interpretation of whether the pre-existing, non-conforming use of a building or land is reduced by a portion of the building or land being unoccupied for more than a year.” We did not know at the time that Ken Hoch had submitted a request to the ZBA to make the above interpretation. Therefore, we were somewhat puzzled by the purpose of this meeting. We attended this meeting and I had a chance to speak. I told the ZBA that we considered this a non-issue. Our attorney did not attend because of the cost to us and the belief that his presence was unnecessary. The meeting was amicable. I left the meeting believing the ZBA had agreed on the issue. After this meeting, we did not hear from the Town until September 20, 2013. On that date, a letter from Ken Hoch informed us that “the pre-existing, non-conforming use of a building or land is reduced by a portion of the building or land being unoccupied for a continuous period of not less than one year.” This was out of the blue. We immediately contacted our attorney to look into this. We began to request information at this time from the Town to determine what had happened. We were very confused at this point. We obtained a copy of a letter from Pat Post’s son, Christopher, dated October 9, 2012, to the ZBA requesting “DOT interpretation of pre-existing, non-conforming use.” It was clear that Pat wasn’t going to take no for an answer. This issue was put on the ZBA agenda beginning with the October 17, 2012 meeting. The issue was on the agenda for every monthly meeting after that, up to the May 15, 2013 meeting. It was discussed in some detail at the February 20, 2013 and March 20, 2013 meetings, and the new code interpretation was adopted at the June 19, 2013 meeting. At the September 19, 2012 ZBA meeting, for which we were directly notified in writing by the Town, the Board had said several times that this was a generic issue and not directed specifically at us. I submitted several Freedom of Information Act (FOIA) requests for information on other non-conforming multi-family properties that could be affected by this ruling. Results were surprising. The Town does not maintain such a list. Ken Hoch said in order to develop it, someone would have to review over **12,000** property cards, and then conduct onsite inspections to determine if they met the above criteria. As far as Ken knew, our property was the only one meeting the criteria associated with the “generic” issue. I also obtained copies of an additional memo written by the Town Attorney to the ZBA. Dated September 14, 2012, I repeat several interesting quotes:

- “As you know, Ken reached a conclusion that the non-conformity of the property on Hale Hollow Road was not diminished by the fact that one of the apartments had not been rented for a period of time.”
- “A review of **Section 307-80** of the Town Zoning Ordinance indicates that a non-conforming use may be re-arranged or modified internally as long as the outside dimensions do not change and, therefore, there is no expansion of the non-conformity.”

- Citing The New York State Court of Appeals case *Glacial Aggregates, LLC vs. the Town of Yorkshire*, **14 NY 3d 127(2010)**, Mr. Wood said that this case “re-affirms the law in New York State that any right in a property acquired prior to a zoning change or amendment must be respected by the municipality, as this is a vested right that the property owner has acquired in said property.”

As previously stated, we believed the September 19, 2012 meeting marked the close of the issue. Instead, the ZBA assigned another Town Attorney, Mr. Klarl, to further research this issue. Apparently, Mr. Wood was no longer involved. At the February 20, 2013 meeting Mr. Klarl discussed his findings to that point. I will not try to analyze any of the legal points he made; we rely on our lawyer in this area. However, he did say “there’s no back-of-the-book answer to the question . . .” (the question of reducing the non-conformity). This observation has many ramifications. Most obvious to me is, why did the Board further pursue this issue? Instead of closing the issue after Mr. Wood’s memos, it was reassigned to Mr. Klarl, who states that there is no easy answer. Why isn’t the benefit of the doubt allowed to favor the property owner as that state court of appeals case had indicated? In his last paragraph, Mr. Klarl states “once again, this is not a site-specific application; it’s a generic application about the law in the area,” even though as previously stated, no other property had been identified. This issue was again discussed at the March 20, 2013 meeting. The next and final time this issue was discussed was at the June 19, 2013 ZBA meeting. The reduction of non-conforming use was confirmed and adopted. We were notified a month later. We were not notified of any of these meeting’s after the one on September 19, 2012. After receipt of the September 20, 2013 letter from Ken Hoch informing us of the ZBA decision, we immediately called our attorney at the time. We did not communicate with Town staff other than through our lawyer. Mr. Hoch wanted to perform an inspection of the property. We were never told the purpose of this inspection. Our lawyer, Don Campbell wanted to record it on video. He worked with Mr. Hoch to arrive at a date for the inspection, but scheduling conflicts precluded this until after the December ZBA meeting. Contrary to misconception, Mr. Hoch was never denied access for his inspection. It was simply delayed due to scheduling conflicts. Unfortunately, just prior to the December 2013 ZBA meeting, our lawyer informed us in early December that since the ZBA was vigorously pursuing restricting our current non-conforming property attributes, he recommended that we would be better served by a lawyer specializing in local real estate. At that point we retained Mr. John Sullivan to represent us. The December 2013 meeting was graciously postponed by the Board to allow Mr. Sullivan time to get up to speed. He provided information to the ZBA just prior to the next meeting; therefore further discussion was delayed until the following meeting to allow the board to review his submittals. The issue was fully discussed at the meeting in March of this year. There were some interesting discussions at this March 2014 meeting. For one, the Board acknowledged that rent receipt is not required to consider an apartment to be inhabited. Therefore the proof provided in submitted affidavits and the statements to the Board should be sufficient to close the case, the ones that our lawyer submitted to you. Instead, the Board said the apartment must have a kitchen and bathroom to be considered habitable. While we have replaced bathtubs, stoves, kitchen cabinets and other non-code-related fixtures, no apartment has ever been without a working kitchen and bathroom for more than a few days or, at most, weeks at a time. But how do we prove this? Can anyone prove that they’ve never been without these

for an extended period? It seems to me that when we clear the bar, the bar gets raised. Next, the Board acknowledged that we didn't have to prove occupancy back to **1996**. They suggested **7** years. This is incomprehensible. Ken Hoch has often told me that Code Enforcement acts on complaints. The complaints relevant to this case cover **2009** to **2013**. We have already addressed this time period. A Board member repeated more than once that if we had provided proof, the issue would have been closed. But that proof was provided. Now the Board requested that we provide financial information, including our tax returns. This is an unreasonable intrusion on our privacy. For one, they would then be in the public domain for any to see via FOIA request. Also, fluctuations in the amount of rent collected in any given year are not proof of vacancy. We object to putting out tax returns into the public domain, particularly in light of the fact that the first thing that will happen is that Pat Post will get her hands on our tax returns, or portions thereof, and then attempt to use those documents to make false claims to any and all authorities that she can think of and/or expose our private documents publicly. Speakers such as Louis Pelosi questioned the veracity of our submitted affidavits, but he accepts the ones submitted by Pat Post as obviously true. I've attached a copy of a complaint submitted by Pat Post concerning our birds. I quote a statement in that complaint; "The hens jumped at me and my dogs walking on the street as they did **2** years ago . . . ." Anyone knows about chickens or guinea hens or whatever, they do not attack people and especially dogs. This is the kind of truthfulness we're getting out of Pat Post. For the neighborhood, again this issue is not generic; it is specific to 1 Hale Hollow Rd. It remains in contention simply because Pat Post has relentlessly pursued it. Our neighbors, the Millers and the Barkans, have also been at the receiving end of Pat's campaign to attack neighbors she dislikes. For example, Pat's son, in a verbal confrontation, called Gabriella Barkan an "f---ing immigrant and she should go back where she came from." This is a woman who served her country honorably for 5 years as a U. S. Army soldier. Pat's confrontations with Nicole Miller are too numerous to mention, and I would leave the description of those incidents to Nicole if she chooses to relate them. All in all, Pat has turned neighbor against neighbor in what used to be a street of families living their lives peacefully and amicably. I don't know why Charlie, Susan and Louis have joined with Pat to pursue this. I would just like them all to understand the consequences if the Board upholds their position. This is not just our livelihood, it is our home, and this is not a game. As for the two evicted tenants whose affidavits were included in Pat's submission, Dora Tarver told me to my face that "I will make sure you never rent another apartment." She said "you don't know who you're dealing with," I assume because she would use her computer and internet expertise against us. Marion Callis, I believe, was persuaded by Pat to join her quest. In summary, the affidavits supplied by the **2** evicted tenants do not mention specific dates. These tenants were not present every day to truthfully attest to lack of occupancy. They provided no logbooks, no photos or other documentation showing that they recorded each and every day for one year that an apartment was continuously unoccupied for that period. Contrast this with what we are required to provide. One member of the Board made it fairly clear that the only proof he will accept is Schedule E of our tax returns. This is the one piece of information we will not provide because we will not let our financial privacy be violated, and frankly, while we show rental income on our returns every year, these numbers fluctuate and would not resolve this matter in any conclusive fashion. In any case, these documents are not needed to prove our case. We also provided a page of photos of the apartments; one for each, except for apartment **3**, the one we

occupy. These photos were taken in the spring of **2011 (apt. 1)**, the fall of **2011 (apt. 2)**, the spring of **2012 (apt. 5)** and the fall of **2013 (apt. 4)**. I may have gotten those switched. I'll have to check later. We did not take earlier photos because vacancies were advertised in local papers (the PENNYSAVER) or by realtors. In spring of **2011**, we began to use online services and needed photos to accompany the ads. Thus when an apartment became vacant, we took photos for the ads. I've been attending these monthly meetings and have noticed how the Board bends over backwards for property owners seeking variances for property improvements that violate code requirements. At one meeting, when insufficient or erroneous information was provided to support a variance for an accessory apartment, Board members recalculated living areas *during* the meeting to grant a permit for a variance to the area rule. Yet in our case, the information we provide is deemed insufficient. Even worse, at previous meetings one Board member stated that one apartment was gutted, as if this were a proven fact instead of the false allegation by an evicted tenant with an axe to grind. Another time, a Board member actually stated that the property was illegal. This provides a very biased view of our property to the public in attendance and in the meeting records. The Board should recognize that a decision to downsize our property will render it financially nonviable in the long term. It will also drop its sale value to a point where we will end up with little or nothing after paying off our debts; that is, if there's enough to pay them off. No doubt Pat Post will be elated by this. But I wonder about the other neighbors. This is our retirement we're talking about. This is serious stuff. My wife and I face financial ruin if the legal non-conforming home that we have lawfully operated for **35** years is stripped away from us. Is this the outcome our neighbors are seeking? In conclusion, aside from all the legal aspects of this case, which we are very confident support our position, I would ask the Board to recognize the personal and emotional aspects of this case as outlined above. Remember, this isn't simply a case of legal semantics, but one that can result in us losing our livelihood as well as our retirement investment. As Ken Hoch has told me, the purpose of issuing violations is not to punish, but to achieve compliance. Thank you for your time." Any questions?

Mr. David Douglas stated the statement you've been reading from, do you want us to have a hard copy?

Mr. Gary Re responded I will submit it, yes.

Mr. David Douglas stated okay, that's great, thanks.

Mr. John Sullivan stated I noticed that when I arrived you were actually marking it up to perhaps we can email it to Ken tomorrow morning to reflect any revisions he made. Is that okay?

Mr. David Douglas responded that's fine.

Mr. Raymond Reber asked anyone else?

Ms. Rita Weeks Re stated I own the property I 1 Hale Hollow Road. I prepared a statement also and I'll probably read most of it just so that I don't forget anything. "There are a lot of

accusations floating around and fabricated “affidavits” given to this board. I want to address some of these issues. Though the board states that conflict among neighbors does not enter into the equation, I feel that a bit of background is really necessary. I have not spoken before and I ask that you bear with me and let me finish my comments. My reputation has been disparaged and I am entitled to defend myself. Most important, this 5-family building is my livelihood. The purpose of the following information is to show that the affidavits submitted by Marion Callis and Dora Tarver contain numerous lies. It is also my intention to show that the whole purpose of this complaint by Pat Post and her family is because I have not bowed down to her rule. I will also address the extent of my investment into this property and the harm and enormous expense to me incurred by these proceedings. I purchased One Hale Hollow Road as a legal five-family 35 years ago at a time when it was not in the best of condition. Over the years I have done a tremendous amount of work and spent a tremendous amount of time and money to keep my property safe and in a good state of repair. This includes repairs and maintenance on the well, septic, landscaping and parking lot. I have paid in excess of \$100K for drainage because of the high water table and hill behind my house. I have worked with the town to install three huge catch basins that connect to the town storm drains and the hill behind my house. On the interior I have maintained and replaced, when necessary plumbing, sheetrock, floors, appliances, just to name a few. I have improved my building and the property far beyond what any other “investor” would have done basically to “fit into” this neighborhood. The value of my neighbor’s properties have increased tremendously because of my investment. There are no electrical violations in my building. Though I have been accused otherwise, I had permits for any and all work that required them. For several years after purchasing this building, I worked with Ted Simone and John Felt to make sure that everything was legal and safe. I have continued to get permits over the years when it was required. Also note that I got along with all of my neighbors for years. I have been to the Posts’ house for a pool party and have been to Susan and Charlie Braue’s dinner party. I have been to Louis Pelosi and Rosemary Koczy’s house and so has my father. I considered Kathy Hausner, who has since moved, my friend and I was unaware of any problems with the neighbors until 2008. In 2007/8, Pat Post came to me to sign a petition to get rid of Kathy Hausner’s kennel. She stated that the dogs howl, the place stinks and that Kathy is always building something. I refused. The kennel issue was already before this board when the Posts’ tried to get rid of Kathy when she first came here years ago. I was the only one who stood up for her. The subdivision allowed for kennels. Your board approved the kennel and Pat lost. I am not the coffee klatch type and really mind my own business. In 2008, I was taking care of my father who had cancer and we walked almost daily down the street. I said hello to Kathy and she all but yelled at me. I asked if I had offended her. I’m sorry, I was really upset. She stated that she knew that I, me Rita Weeks, had filed a complaint against her and her kennel. I was really shook and even my husband tried to tell her that it wasn’t true but she slammed the door in his face. Code Enforcement states that the complaint was anonymous so who told Kathy I made the complaint? Only the person who made the complaint could say that, in my opinion – Pat Post. Pat Post wants to control this neighborhood. When she doesn’t like someone, she gets rid of them. I’m on her list now; the Millers’ will be next, then the Barkan’s. At that point, she will go after anyone who disagrees with her. Susan Braue is correct when she stated at the ZBA meeting in March that she, herself, did not scream at anyone. I have only heard the Posts’ scream and call nasty names both at me, my family and the Barkan’s. Ed Post has even thrown

rocks at me. In fact, I tried to get the report from the police department but they sent me a letter saying it takes **3** months, but I have that letter. Speaking of the Barkan's, Gabriella Barkan gets upset at these meetings because of the bigoted verbal abuse she frequently hears from the Posts. Now to some of the issues: Pat made written accusations regarding my tax reduction though I believe she didn't even live here at the time. She stated that my taxes were lowered because the place wasn't rented. This is typical of the innuendo she spreads; my taxes were lowered, therefore it must be due to building vacancies. The fact is that Mike Muir, the assessor, came to see the apartments at my request because the taxes took most of my income of the house and he agreed that the taxes should be lowered. Pat has made many unfounded accusations, one of which is that I only have **3** tenants because there are only **3** parking space signs. I have a **4,000** plus square feet for parking, more than the town requires. By the way, there are **5** signs; again, not that it is anyone's business nor are these signs required. It only shows that Pat is grasping at anything, no matter how ridiculous to try and make a case against me. I believe that it is because I refused to sign her petition. Louis Pelosi stated that this issue has been going on for a long time. The fact, as my husband said, is that this issue was already settled with Mr. Wood, the town attorney. My opinion is that he is supporting Pat because of his relationship with my former evicted tenant. A few neighbors are influenced by Pat, a few don't want to be involved and a few are afraid that they will be Pat's next victim. Pat has complained about my chickens whenever she could. She regularly stands outside counting them, even taking pictures, probably hoping she sees more than **8**. She convinced my evicted tenants to do the same. It should also be noted that Pat purchased **16** Brown China geese and kept them until most were killed by wild animals. No one cared that she had more than **8** animals. Apparently Pat thinks that she is excused from this code. Nobody goes around counting her geese. No doubt that when her geese hatch the eggs that they are sitting on, she will have more animals than she should have on her property. Once you annoy Pat, she goes after you with a vengeance. I've seen her taking pictures of my animals, any vehicle that could be mistaken for a contractor and even my guests. If they arrive in a commercial work vehicle, she makes a call to the town even if they are here socially. On one occasion, the code enforcer called my visitor and asked what they were doing at my house. Most of my friends won't come here now; they insist that we go to their house for any special occasions. Marion Callis signed an affidavit stating that my apartments were empty for more than a year during the **18** months that she resided at my home between **2009 -2011**. There's a little background: My pastor at the time asked me if I had an apartment vacancy. He stated that he knows a woman who is in an abusive marriage, had no job, very little money and was emotionally a mess. He wondered if I could help her out. I wasn't thrilled about it but I agreed to meet her. In Marion's own words, she had no job, had very little money, and was a "mess emotionally." I rented to her at a reduced rent so she could get herself together. We helped her move in shortly after, using my truck. I had previously offered the organization, MY SISTER'S PLACE, a free apartment for the same situations. (They turned it down, by the way, for liability reasons) We gave her a lot of support. The only time that Marion was in apartment #2 was to look at my art collection since she is a supposed art curator. The art was behind the bed that my niece used. It was obvious that someone was living there. Some of the appliances were temporarily out of the kitchen because I had to replace the flooring but it was reinstalled shortly after. My niece had no problem with the work being done while she was there. And yes, there was a bath. Marion never entered the apartment again. When I accused her of snooping

through the windows, she insisted that she was talking to my niece's dog, Oscar, who was living there also at the time. I wanted Marion to move out at the end of her lease but she always had reasons why she couldn't. She was not the perfect tenant by a long shot. She lied about everything as she is doing in this affidavit. When I got adamant that she move out or I would evict, she stated to me that her therapist told her to ignore my "threats" and just to live her life as she pleased. There are many other things but time does not allow. After I told her unequivocally to move, she started making up complaints about the apartments and the grounds. I finally had enough of her threats, lies and sob stories that I finally hired an attorney to evict her. The apartment was a mess with damages when she left. She knew the problem with Pat and became her friend in retaliation. My experience with her is that she is a liar and continues to lie in her affidavit. I guess no good deed goes unpunished. Dora Tarver also wrote a false affidavit. She is one of the very few tenants that I have evicted in **35** years. She came to me through a realtor who stated that Dora had extremely bad credit because she was starting her own business but supposedly had good references. I don't know about the references because I never received them. Dora wanted a **2**-year lease; probably because she knew she couldn't find a place. Dora is neat to the point of being obsessive. She didn't like her parking spot so I moved it; she didn't want other people to park next to her so I gave her two spots. She didn't want other tenants to use the same shelf for her laundry detergent in the laundry room, so I gave her a personal shelf. She also stated that she looked in Leslie's apartment when Gary was looking for a place to hook up the generator during hurricane Sandy. We didn't get the generator until about **4** days into the storm and we were already told by the installer that it had to be hooked up into the laundry room next to the boiler circulators. Again, another lie by Dora. Dora also stated that someone moved into apartment **#2** when she came here and then moved out about **6** months later. My niece was already living there; she did not just move in. I did all that I could to please Dora because she was a tenant and I take care of my tenants, no matter their idiosyncrasies. She seemed happy for the first year and a half. Then I gave her notice that I was not renewing her lease for a few months prior to lease end. I wanted to give her plenty of notice. I just couldn't deal with her obsessive behavior any longer. At that point, she changed to a mean-spirited, lying woman. She claimed no heat, which I proved untrue, and other false complaints. She screamed insults and refused to let me show the apartment. She badmouthed me on the internet. She told me that she wasn't going to move until SHE was ready to move. She was a decent, though demanding tenant, until I gave her notice to leave. I was forced to get an attorney to make her move out. Again, no good deed goes unpunished. I am telling you this to illustrate to what extent Dora will go to retaliate, even lie in an affidavit. She even told my husband that she would make sure we never rented another apartment. Thinking back on this, she probably already starting that with Pat. I did invite Dora to see an apartment while I was having the floors refinished in **2011**. I thought that she might know someone who would be interested in renting. But it is an outrageous lie that Leslie's apartment was gutted and uninhabitable. I did not even start any updating until September/October of 2013 and only then removed a piece of the flooring because of a broken pipe. My niece moved to a different apartment after Leslie went to California. None of my apartments have been "gutted." I have replaced sheetrock, flooring, kitchens, baths, etc., but these repairs do not require a building permit. And never have I stated that my apartments were uninhabitable. That is another out and out lie. Even if the apartments were not upgraded, which is rare, the apartments have ALWAYS been habitable; AND they have always had a

kitchen and bath. Regarding Dora's claim that my floor in the laundry was filthy must have been the reason why Dora flooded my laundry room intentionally. And as for her other claims, all of the electric in the room was done with permit back in the **80s**. I also couldn't find any mold in the washer, which was a complaint of hers. The machines were purchased in **2009**. Why wouldn't anyone tell me and more important why would Dora continue using the washer if it was so bad? It is interesting that Pat gave you this information in writing though she has never been in my house. Dora supposedly made these accusations to Pat, but why not tell me when she lived here? I saw Pat call Dora to the street and talk to her after one of Dora's rantings outside. After she moved, there was an anonymous call to the SPCA with a complaint about abused animals and a feces infested premises. I had no knowledge of this call and when an SPCA of Westchester, the Humane Law Enforcement officer came, I requested that he get out of the car and inspect the whole area. And the reason I did that was because he came and he didn't even want to get out of the car. He thought it was a big hoax, but I asked him "please come out and check all my property." Following his inspection, which he already made his determination, he determined the complaint was unfounded. My attorney has submitted a copy of this report to the Board. I believe that it was Dora or Pat who made this complaint, lying about everything, which has become their MO. Pat is using Dora as she is using Marion because of their anger toward me. This report is another example that these people are obsessed with harming me and just as they made false allegations to the SPCA, they have made false allegations to this Board. Both Dora and Marion know that my sister has stayed here on numerous occasions for extended periods of time and that my niece was living here. My niece is a traveling nurse and has odd hours and different work days. My sister visits here every year or two and stays **2 weeks to 4 months**. We have always planned their visits between tenancies and they would occupy a vacant unit. Even so, when I lend or rent an apartment, it is none of my business where tenants go or what they do. All of my apartments have baths and kitchens and none have been without them for more than a short time for updating. It also doesn't matter if occupants are related to me or not. I have let my neighbor stay in an apartment with her family for months without payment because their new house wasn't completed. I have let tenants who have lost their jobs stay without paying rent for months until they can find a place to go. As I have stated earlier, I offered an apartment to the organization, MY SISTER'S PLACE rent free. I have let friends AND relatives stay in my apartments between rentals over the years and it is no one's business but mine. There is nothing in the code that states how much rent I must charge or even that I have to charge rent. Whether I make a profit or lose money has nothing to do with this building. Dora and Marion did not know my business nor did they follow me around all day. Neither does Pat know my business. Yet they make a lot of accusations for their own benefit. It is expensive to defend myself even if the accusations are false. Tenants, paying or not, have no obligation to give me a detailed schedule of their life to other tenants or even to me. There is no requirement that they cook at home every night or that they sleep in the apartment every night. I have had tenants that travel extensively for their job and even one who was in rehab and his parent's estate had paid the rent. None of this is anyone's business. I am telling you this because I want you to understand that I have maintained this **5-family building AS a 5-family building for the past 35 years**. It has never been used as anything else but a **5-family**. No unit has ever been unoccupied for a year. I have invested heavily in this property; paid taxes as a **5-family building**, increased the value and the tax base of this **5-family** immensely AND the value of the neighborhood. For

you to try and take my investment and our means of support away, especially because of an off-the-wall neighbor's fictitious accusations, and her scheming retaliating side-kicks, is unconscionable. I am law-abiding, pay my taxes, take care of my property, and I follow the town codes. I am a good neighbor and a good landlord. I don't deserve this harassment or this expense. I want to thank you for your patience. I know it was long but I thank you for your time."

Mr. Raymond Reber asked anyone else would like to step up and say anything?

Ms. Marion Callis stated I wanted to respond to Heather Murphy's statement but there's been quite a lot said since that I need to respond to but I'm not sure that I can remember all of it. I just wanted to say as far as Heather Murphy is concerned, in my affidavit, I never said that Heather Murphy – that I'd had no contact with Heather Murphy just that she was not a regular tenant at the apartment building. She came and went. I had a number of perfectly cordial conversations with her and that was, in fact, how I knew the state of apartment 2 where she stayed off and on the most. As far as my being an evicted tenant with an attorney driving me out, this is news to me. I have no – I really don't know quite where it came from. I moved away because of Mrs. Weeks and her sister, Ms. Harmon's accusations to me out of the blue that I had stolen their lawn furniture, their garden furniture. I was shocked by this and I called my mother who said "where are you keeping all of this stuff Marion?" I said "well, in my one-bedroom apartment." So, that's what I'd like to know. I don't know where this came from. Rita then subsequently pursued her accusation. I pointed out to her that I had not stolen the furniture, that there was missing furniture. She had video cameras and if somebody had stolen her furniture then we should look at the video and see who in fact had but it was not me. She insisted that I had and I tried to stay and let it blow over hoping that it would but she eventually was putting pressure on me saying that she just wanted me to move out. I did not have an attorney drive me out. I did in fact have an attorney friend come to the house, or come to the apartment and go through it with me with Mrs. Weeks and her husband just before I left to make sure everything was in order and that there was no damage and they agreed that there was no damage. If necessary, I will bring him and he will state that was in agreement with everyone present. I did receive a letter from Mrs. Weeks afterwards, accusing me of having purportrated all kinds of damage to the apartment that I simply didn't so I'm not really quite sure where all that came from. As far as – what else, let's see. Mrs. Weeks' statements about my state and character, psychological state and character when I moved in, I just want to say that she has a very active and interesting imagination and I think that it's outrageous of her to say the things that she has said about me, about Dora, who I don't know well, about Pat who I know better and I really would like to see all this dissembling stop and the issue be addressed rather than all the great drama that they're bringing in today that is grossly inaccurate. Thank you.

Ms. Pat Post stated good evening. I guess this has turned into an unbelievable three-ring circus. My name is Pat Post, I am the villain here. I am the circus ring leader of this organization I guess. I am mortally embarrassed. First of all, I have never, with the character assassination that the Weeks/Re, whatever their names are, have said about me and my son who is an attorney tonight are despicable. The person that she is speaking about that she said that I asked her to

sign a – I don't even know what it was, a petition regarding a dog kennel is my friend Kathy Hausner who is sitting with me, who is my sister almost. She is more sister to me than my blood sister so this is really gone out of hand here. This is a neighborhood who doesn't like each other and it is a very, very clear about that. That has nothing to do with the facts of the matter. The tenants tamed me and told me that there were not 5 families living there. I had always known that. I had asked Ken Hoch about that and he said "you have no proof about that. You can't do anything" and then I said "fine." and then when Marion and Dora said that they knew that they had been living there and they can verify that they were the only 2 other tenants living there besides the Weeks' that's when we brought it to Ken and that's when we started it and then Ken – we started the process and then it went to the Board and then it went to Tom Wood and then, there was a letter, she's totally right and then my son dissected the letter and it went back into my land, and this land. It was a whole big Toys'R'Us versus whatever, I don't even remember what it was. It was a law thing and he went into that. But, this is irrelevant sir/madam, this has nothing to do with this. Because they can't show proof that they don't have the proof of receipts, statements, businesses they're trying to character assassinate me. I won't waste your time with that. I will have an attorney waste their time with that. I appreciate everything that you've done. I came here tonight to say thank you for taking the time to look at our complaint and go forward with it and that was it. I never even in my mind would have imagined the lies that they have said today about Kathy Hausner, my best friend, I wanted her to move. She lived 2 houses down from me. I would never would have wanted her to move and I asked Rita to sign a complaint? No madam, no sir, never. Thank you very much.

Mr. Edward Post stated I'll make it very brief. First of all I'd like to state this lady, Heather Murphy, she does not live there and she never lived there. She visits there. She comes with an out-of-state plate car. She doesn't have a car registered in New York State. She probably doesn't even have a driver's license in New York State. So, before you take her letter into consideration you should check into that. Also, it's all I have to do is prove that these people paid rent? As far as the people not paying rent, she didn't even submit any of that proof. She just said it tonight. It's all I have to say. Thank you.

Mr. Raymond Reber asked anyone else? Mr. Sullivan?

Mr. John Sullivan stated good evening once again. I did want to point out, I did forward a letter to Ken the other day, a notarized letter from a Barbara Zelnick Davidow, April 2<sup>nd</sup>, 2014 and I just wanted to make sure that was going to be made part of the record.

Mr. David Douglas stated we've got two items that you've recently submitted: one is the letter you just mentioned and another is an email from you to Ken attaching some photos.

Mr. John Sullivan stated and I believe those are some of the photos that Mr. Re made reference to.

Mr. David Douglas stated those are the photos he's referring to. He's not referring to the photos previously submitted?

Mr. John Sullivan stated perhaps I'll ask him to clarify that because I don't think he addressed those photos. The photos that you addressed, the vacant ones, can you please address for the Board when the photos we submitted last month were taken?

Mr. Gary Re stated the apartments that are photos were taken recently with the furniture in them. As part of this proceeding we wanted to show all the apartments. They're all rented. They're all occupied. They're all furnished, but those were recent.

Mr. David Douglas stated but those were recent.

Mr. Gary Re stated I can't give you a date but within the past couple of months.

Mr. David Douglas stated okay thanks.

Mr. John Sullivan stated I want to take a few minutes to review and comment on some of the evidence that has been submitted in connection with this proceeding. As we all know, DOTS has asked the ZBA to "interpret" whether any of the **5** legally non-conforming units at 1 Hale Hollow Road (which I will refer to as the premises) have been vacant for more than a year since **2007**. You've heard from numerous speakers over the last few months regarding this matter and you've received numerous written submissions. I think I'm observing this evening some of what's been submitted on both sides go beyond the scope of what this Board is considering: animals and things of that nature and so I will try to limit my comments to the specific issue that this Board is considering. I think it would be most helpful to breakdown my comments into a few time periods. **First, 2007 – August 2009**. There is absolutely no evidence before this board that any of the units at issue here were unoccupied for one year or more between **2007** and August of **2009**. Literally no evidence. To the contrary, there is evidence in the form of uncontradicted sworn statements from Rita Weeks and Gary Re that none of the units remained unoccupied for one year or more during that period. I submit in light of the complete absence of evidence to refute those two sworn statements that this board has no basis to disturb the constitutionally protected property rights of my client during this time period. My client is not an applicant seeking anything before this Board, she is not a defendant and as such should not bear the burden of proof in regard to that matter. There is nothing in the record which would enable you to arrive at a fair conclusion that any of the **5** units at the premises were unoccupied for a year or more during this initial time period.

Mr. John Klarl asked '07 to '09?

Mr. John Sullivan responded '07 to August of '09. **Second timeframe is August 2009 – March 2011**. This is the timeframe that is covered by the statements of Marion Callis, a former tenant at the premises. Ms. Callis, in her statement and affidavits, states in summary that, during her **18** months living at the premises there were only **3** units occupied, not five. Nothing Ms. Callis states with regard to the question of occupancy is corroborated by supporting evidence, documentation or supporting statements from anybody else. Her statements with regard to

occupancy are the sole evidence supporting her claims. Her statements are broad and don't supply specific dates and specific units. Quoting Ms. Callis from the minutes of the December 2013 meeting before this Board and when referring to her 18 months living at the premises she stated: "There were always 3 apartments filled." She then identified the three occupants as herself, Louise Hochberg and the owner. In referring to Heather Murphy, who it is clear was a 4<sup>th</sup> occupant of the premises during this time period, Ms. Callis stated at that same meeting: "Heather Murphy, I saw her come and go, I got to know her, had many conversations with her and her family. She would sometimes stay in the downstairs bedroom but they would do all the cooking all of the dining, all of the everything upstairs with her aunt." In addition, in her March 17, 2014 letter to this board Ms. Callis states "Ms. Murphy slept in Apartment 2 during her November 2009 visit and periodically during subsequent visits." And again this evening Ms. Callis indicated that Ms. Murphy stayed off-and-on in apartment 2. Clearly, Ms. Callis acknowledges that Heather Murphy occupied and slept in the 4<sup>th</sup> unit during the time Ms. Callis lived there. As to the 5<sup>th</sup> unit during this time period, it is undisputed that this unit was not occupied and was being repaired from August of 2009 – May of 2010, a period of less than one year. While Ms. Callis fails to acknowledge that Marlene Harman occupied this unit beginning 5/15/10 – 9/8/10 and then on subsequent occasions thereafter, in her letter to this board dated March 17, 2014, Ms. Callis does acknowledge that "Ms. Weeks Family came to visit often between 8/2009 and 3/2011" and specifically acknowledged Ms. Harmon staying at the premises during these visits she just doesn't acknowledge that Ms. Harman occupied the 5<sup>th</sup> unit. In light of the fact that Ms. Callis's uncorroborated statements are the only evidence that conflict with the significant evidence that I'll comment on in a moment regarding occupancy of the units during this period from 8/09 – 3/11, I would submit that Ms. Callis's credibility is barely an issue before this Board. It's clear Ms. Callis has an axe to grind with my client. She only lived in her apartment for 18 months, she's been out for more than 3 years and yet she has spent the last 3 years waging this campaign against my client. Why would she do that? What's the benefit to her? She has no interest in this matter. Why is she so concerned about a property she does not own three years after she moved out of it? This proceeding is not a dispute or law suit between Ms. Callis and Ms. Weeks. Ms. Callis has no interest in this proceeding, this is the Zoning Board of Appeals and my client. This is simply a former tenant repeatedly using the town to cause financial and emotional harm to my client. The evidence that contradicts Ms. Callis's statements regarding this time period -- We've heard a statement from Rita Weeks and she has submitted 4 affidavits. In 2 of her affidavits Ms. Weeks lays out a very clear picture of who occupied each of the units and what the dates were. She goes unit by unit and date by date. This is something the board indicated would be helpful at the meeting last month and it is there. Specifically, it's in an affidavit dated 2/13/14 and in the affidavit dated 4/18/14 which also contains copies of several leases. It's clear from all the information from Ms. Weeks that there's is no lapse of occupancy for a year or more in any of the units. Also contradicting Ms. Callis's statements the Affidavit submitted by Gary Re and the statement by Gary Re which is based upon direct knowledge, as he's indicated he's lived in one of the units during all relevant dates of this proceeding. You've heard the statement of Ms. Murphy and there's an affidavit that's been submitted by Heather Murphy that makes clear she occupied a 4<sup>th</sup> unit at the premises during the entire time that Marion Callis resided there. Ms. Callis acknowledges the presence of Ms. Murphy and her family at the premises. She acknowledges the fact Ms. Murphy was there often

and the fact that she slept in Unit 2 but she then claims that Ms. Murphy didn't eat meals in her unit. Or it wasn't that she said this evening "a regular tenant." I would submit that the issue is occupancy not where and when somebody eats their meals or if they happen to be a relative or if they don't stay there all the time. There's an affidavit submitted by Louise Hochberg who corroborates that she resided at the premises from March 2005 to September 2011 (the entire period Marion Callis resided there) and then again from 2/13 – present. Ms. Hochberg corroborates the fact that Heather Murphy occupied a unit at the premises and often stayed there several days per week. Louise Hochberg is a disinterested tenant who contradicts directly Ms. Callis's claim that Heather Murphy did not occupy a unit at the premises. Two Affidavits have been submitted by Marlene Harman which corroborated that she occupied the 5<sup>th</sup> unit at the premises from 5/15/10 – 9/8/10, 6/11/11 – 6/29/11, 10/1/11 – 11/5/11 and 4/19/12 – 5/14/12. She has provided proof as to her presence during those time periods in the form of receipts and airline tickets, etc. Again, Ms. Callis acknowledges the presence of Ms. Harman at the premises in her statements she just claims to have better knowledge than Ms. Harman, Ms. Weeks and Mr. Re as to which unit Ms. Harman occupied during her lengthy visits during this time period all of whom indicate she stayed in unit 5. The next relevant time period to look at covers 6/11 – 6/13. This is the timeframe that is covered by the statements of Dora Tarver, also a former tenant. Ms. Tarver, in her 4 affidavits that I've seen and her statement before this board states that during her two years living at the premises there were periods of vacancy in one of the units that exceeded one year. It bears noting that like Ms. Callis, nothing Ms. Tarver states regarding the issue of occupancy is corroborated by supporting evidence, documentation or corroborating statements from anybody else. Her statements are the sole evidence supporting her claims. Her statements are broad and don't supply specific dates as to specific units. Also, like Ms. Callis, it is clear from all of the evidence that Ms. Tarver is aligned with Pat Post in the campaign to hurt Rita Weeks financially and emotionally. Dora Tarver, like Marion Callis, has no business before this board. She has no reason to be here other than to inflict harm on Rita Weeks. I've reviewed Ms. Tarver's affidavits and her statement to this board in the December 2013 meeting. I want it to be very clear that in her statement before this board in December Ms. Tarver only claims that one unit was vacant for more than a year. Reading from the minutes Dora Tarver stated: "When I was there, initially there was one tenant: Leslie, a very nice lady" (so including my client – 3 units). "Literally Rita gave me a tour of the other apartments and I saw them and they were nice and they were not occupied for a few months." "Eventually a tenant did move into one of the units and then another one, many months later, moved into another and then I just moved out. So, I'm just here to let you know that it was definitely not completely occupied when I moved in," which of course is not the issue that this Board is considering. A board member went on to inquire of Ms. Tarver "You're saying that there were two apartments that were vacant for more than a year?" If you go back and review the minutes she did not say that at all and in fact her reply to that question was "there was one that was definitely, the one that Leslie lived in." Never did she claim that there were two and as such there is no evidence from Ms. Tarver from which this board can conclude that any of the other four units were vacant for more than a year during her timeframe. Naturally, with regard to fifth unit, the one that Ms. Tarver maintains was vacant, there is ample evidence in the record to the contrary. In addition to the previously mentioned sworn statements of Rita Weeks, Gary Re, Heather Murphy, Marlene Harmon and Louise Hochberg, there is the sworn statement of Barbara Zalnick Davidow that's

now been admitted to the record. The final relevant time frame that I would refer to is June of **2013** when Ms. Tarver moved out – present. It is clear from the evidence submitted that all five units have been occupied during this time period. You have: sworn statement from Leslie Hochberg that she has resided in there since **2/1/13**, sworn statement from Barbara Zelnick Davidow that she has resided there since July 15, 2012. My client has resided there at all dates relevant to this proceeding. Sworn statement from my client and a copy of a lease evidencing that Jennifer Salvati has resided in a unit since **8/1/13**, sworn statements that Heather Murphy occupied a unit there from **2009** until just the last month or so. With regard to the entire time period that this board is looking at, I respectfully submit that the evidence strongly supports the conclusion that none of the **5** units at Hale Hollow Road has been vacant for **1** year or more and there is certainly not substantial evidence before you that would support a finding to the contrary. Frankly, as to the **4<sup>th</sup>** unit, the one occupied by Heather Murphy, I would argue that it's not even a close call. There's an overwhelming amount of evidence from both sides indicating that she occupied a unit at the premises beginning in **2009**. Finally, at this time I would renew the written and oral objections that I have previously made with respect to this proceeding. Thank you for your time.

Mr. David Douglas asked anybody else?

Ms. Marion Callis stated I'm sorry that I have to take up a little bit more time. I just wanted to clarify something, well several things that Mr. Sullivan just spoke of. As far as my affidavit is concerned, when I was approached and asked what my experience was living at the apartment I said that I would simply state the facts and I wrote them down and I didn't say anything about whether or not I got along with Mrs. Weeks or what went on there or the conditions of the animals or any of those issues. One thing that I was confident to state was who stayed where, when and one person who – well I knew that Heather Murphy was staying in a bedroom but was unable to take, I didn't clarify that in my letter or original affidavit because I didn't think it was necessary but the reason that Heather Murphy wasn't having meals in the apartment #2 that she was in when I was there, off-and-on, when she was there off-and-on, not me, was because that kitchen wasn't finished. She took meals upstairs with her aunt because that was a completed kitchen so that was where she had her meals presumably. Marlene Harman I know – well I know no one could really have stayed in apartment **5**, which I believe is the one closest to the parking lot, is that correct? Okay, the one closest to the parking lot because during the time that I lived there it was full of old furniture, storage, odds, bars up in the windows, it was dark, no one came and went. I knew that Marlene Harman stayed upstairs in what's known as unit **3** with her sister Rita Weeks. That was as far as I knew. I heard that from Rita's lips. I heard it from Gary. I heard it from Heather and I saw Marlene come and go. I saw Marlene at the window. I knew she was living there with her cat. They told me that a number of times. Again, I stated what I observed and what I was told by them, nothing more, nothing less. Thank you.

Ms. Rita Weeks stated I just want you to know that my sister has stayed in vacant apartments not only since these **2** people have been there but my sister has stayed in the apartments that are vacant on ground floors because at the time my brother-in-law had a major stroke and has been – they stayed down there for years on a ground floor, wherever he could walk into. This is nothing

new. He has always stayed – my sister has always stayed in an apartment that was just one step or so for my brother-in-law. This is nothing new that she has stayed in these apartments. What Marion said is just completely untrue. Yes I had old furniture in there because I didn't furnish it with new furniture. My sister was there. There was a full kitchen. We repaired that right after all the water damage because we had all the drainage done and spent all the money in the drainage and that was why we took so long to do it, but yes there was old furniture in there but it was laid out. My sister and my brother-in-law stayed there. My brother-in-law passed away and my sister continued to use any apartment because she's more comfortable and when we set up her visits to come it's always in between tenants and I want to make that clear. Thank you sir.

Ms. Susan Braue stated I live at 5 Hale Hollow Road. My name was brought up several times. I do not speak to the Weeks' since **2008**. I don't wave. I don't speak to them. They've made a lot of assumptions and a lot of name calling and a lot of complaints but I'd really like to thank the committee for looking into the complaint and making a decision. I really would agree with what Mr. Louis Pelosi said a couple of months ago that if the owner had given the proper documents to prove occupancy, since originally it was **1996** is what they asked, as requested this matter would have gone away a long time ago. I looked at the last affidavit, the Weeks' attorney submitted on April 22<sup>nd</sup> and it was really a character assassination of Dora Tarver. I've only met her twice. All I know is she seemed very nice but I know she submitted a complaint and pictures and things. I had seen all the complaints. I read everything because I live on the block and I'm concerned with this. Tonight there was continuous character assassination and she's not here this evening to defend herself. We really don't need the character assassinations but it continues and continues. Really what we really need is just some way to establish proof of the residency. That's all you're asking and the rest is kind of simply irrelevant I think and a waste of your time, our time, their time. If you can just have them submit proof that the apartments were continuously rented since **1996** that would be great. I've lived there for **33** years, actually Ed Post and I moved in the same year and there many times – I really don't know much about anything except that there were times when Rita didn't even live there. We've seen a few people on the block, I don't know and I'm not going to testify as to what but since this has all started there's been a lot of unrest in the neighborhood but I'm non-confrontational so I just don't speak to anyone it just makes it easier. Pat Post did not do this to me. Pat Post did not have me not talk to Rita. That was a decision I made myself because she started spreading rumors and lies. Even since I've attended the meeting I just attend the meeting. I don't really do anything. Since I've attended this meeting she's written letters to people defaming me, neighbors, so you can't even have your rights to come here and just attend and sit in a meeting without someone writing letters and lies about you. They're not as innocent as they pretend to be. It's been a lot of unrest and tension. We really appreciate a speedy decision. Thank you.

Mr. Gary Re stated I'm a little confused. There's absolutely nothing submitted by my wife or I or our attorney that denigrates Susan or Charlie or – so I don't know where that's coming from. Maybe she could provide, circle the examples or something, but I do want to say one other thing and that has to do with bringing up character assassination. We tried to convey what's going on in the block and why we're in the position we are in and character assassination pales in comparison to people trying to throw us out on the street and take away our livelihood and our

retirement. Yes, a little character assassination/ruin. You decide.

Mr. Raymond Reber stated we've heard a lot of information tonight. We've had a lot of information presented in previous meetings. We have a lot of work to review it all but I think, certainly, the matter has been covered and with that I think we're ready to close the public hearings. If there's no further statements I make a motion that we close and reserve...

Mr. David Douglas stated wait, somebody wants to say something.

Ms. Pat Post asked when will these proceedings be recorded so that I can get a written copy of what was said, the character assassination tonight?

Mr. Raymond Reber responded the minutes are presented to us in the next meeting for our review and approval. They would be approved at the June meeting for the minutes tonight and then after that, if they're approved, then they're available.

Ms. Pat Post continued so I have to wait until June 18<sup>th</sup> to get a copy of the minutes of this speaking of all my three things that I've done tonight?

Mr. David Douglas stated after the 18<sup>th</sup>.

Ms. Adrian Hunte stated if they're adopted.

Ms. Pat Post stated if they're adopted, okay thank you.

Mr. John Mattis stated they do broadcast these though. You could probably watch the tape and...

Mr. Raymond Reber stated this whole proceeding is being...

Mr. John Mattis asked you have Cablevision?

Ms. Pat Post responded I do have Optimum online. I'm on television, ok great, the whole world will know this. That's great. Perfect.

Mr. John Mattis stated it's on channel 78.

Ms. Pat Post asked when is that on?

Mr. John Mattis responded it varies but it's on four or five times a week. If you watch that station, they have a scroll with different meetings and when they'll be on.

Ms. Pat Post stated thank you so much.

Mr. John Mattis stated Monday, Friday and Saturday. And I think they're on in the morning and then again in the evening, two times those days.

Mr. Raymond Reber stated we've got a lot of material to go over but I think we've certainly given everyone an opportunity to express their thoughts and opinions and with that I will make a motion that we close and reserve on **case #2013-37**, a request from Code Enforcement on the property of 1 Hale Hollow Road for an Interpretation on pre-existing, non-conforming **5-family** residence as to its continuity and use, I make a motion that we close and reserve decision on a case that is a type II SEQRA, no other compliance required.

Seconded with all in favor saying "aye."

Mr. David Douglas stated so that everybody understands, the public hearing is now closed. We have **62** days, unless somebody grants an extension, we have **62** days to issue a decision on this. That's our current intention is we'll have a decision to be voted on either at the next meeting or more likely the meeting after if that's within the **62-day** period.

**E. CASE No. 2014-08                      Amberlands Realty Corp.** for an Area Variance for the front yard setback for construction of a new caretaker dwelling, an area variance for an accessory structure in the front yard (an existing caretaker dwelling converted to a storage building), and an interpretation of whether the floor area of the proposed storage building exceeds 50% of the floor area on the principal building, on property located at **Scenic Drive, Croton-On-Hudson.**

Mr. David Douglas stated I don't see any representative from Amberlands here.

Mr. John Klarl asked you want to second call it Mr. Chairman?

Mr. David Douglas responded I don't think he's going to be here. Mr. Hoch if you could contact them and tell them they've got to be here next month or it'll be deemed abandoned. It's our standard procedure. I assume that they'll show up.

Mr. Raymond Reber stated just a question, are they required to be here for us to make decisions?

Mr. David Douglas responded we had asked them to be here.

Mr. John Klarl stated to present their case.

Mr. Wai Man Chin stated even though we got a memo, they should be here.

Mr. David Douglas stated I think they should be.

Mr. John Klarl stated maybe that's part of the reason why.



Ms. Adrian Hunte stated part of the issue we have here is the size of the apartment and what you're proposing exceeds the percentages that we normally allow for accessory structures. I believe that there were some discussion that perhaps the plans would be altered to perhaps come within the percentages, usually under **30%**, **25%** is what's allowed.

Mr. stated we submitted plans that were altered and do show that it's under that **30%**.

Mr. John Mattis stated those plans that you submitted are so small we can't read the numbers. We can't read the numbers of the calculations. I'd need an electron microscope to read them, they're so small what we got.

Mr. stated I can get you a larger size but I would believe it's at **29.81**.

Mr. John Mattis stated there's also an issue of how you set up the storage. You take the middle of a dining room and set up a storage area to fix it, that's really not a fix-it, that's really not acceptable.

Mr. asked tell me how you would fix it?

Mr. Wai Man Chin responded that's not up to us.

Mr. John Mattis stated that's not up to us.

Mr. stated you don't understand, it's a natural...

Mr. John Mattis stated you're jerry-rigging something to be something that it really isn't.

Mr. stated it's the natural layout of the house. We were asked to create a storage area to take away from the other area...

Mr. John Mattis asked who asked you to do that?

Mr. responded well it's the only way that you could have it or just have a dead area space to get down to that size. That's the way the house is. Are you asking us to rebuild the house?

Mr. John Mattis stated I don't understand that but...

Mr. stated there is no other way...

Mr. John Mattis stated there's storage areas and then there's real storage areas. When we get a plan that shows that's the dining room with a table in it and everything else and then all of a sudden it becomes a storage area that you have access to in the accessory apartment only that is a criteria that we insist on that if it's not part of it, it has to have access from the other apartment or from the main...

Mr. stated what I'm telling you is there's no other way to do it. It's the natural layout of...

Mr. John Mattis stated maybe you can't do it then. That's what we're saying.

Mr. stated okay, that's fine.

Mr. John Mattis stated I'm not trying to be tough about it, we're just trying to be consistent with...

Mr. stated we're just trying to do it legally. We're just trying to do it the right way. We don't want to just bring our dad in and put him in there. We also don't want to bring him in and put him in a hole. I'm sure you wouldn't do that to your parents. He's terminally ill. He has an aneurysm that is inoperable, that's number one, so he can't exert himself. He has a problem with stairs. He's a construction worker who's retired. He has degenerative back problems so he has a hard time with stairs or anything like that. The house has stairs. We're trying to put him in a place where it's leveled. The bedroom is large because if he needs care somebody has to be in there. Again, I'm a carpenter for **40** years. The way the main beam is setup in the house, the way the doors are, where the bathroom is and this is an area which is just storage. There is no other way to have him in a place where he can be on a level surface, have access to a bathroom, a bedroom and a living room/kitchen area. If the space is too large there's really nothing else you can do. The area that we're using for a kitchen/living room area is depressed by **21** inches, it drops down, so there's no way to access that storage area from the other house. If you take the **8-foot** ceiling and you take away the **21** inches, which is almost **2** feet, you just barely have **6** feet.

Mr. Raymond Reber stated we understand. A couple of points, as requested, it's very confusing to understand exactly what square footage is with what. If you can expand the drawings and clarify that, that would help but fundamentally, when we approve this – I'm very sympathetic with your problems with your father but when we approve this nothing says that then God forbid he passes away tomorrow now all of a sudden you've got an apartment you can rent to an outsider.

Mr. stated you can't rent in that neighborhood. It's against the bylaws.

Mr. Raymond Reber stated if we approve an accessory apartment, that's essentially what we're doing, we're giving you approval for that so we have to be very careful as to what we approve. The other issue is, there's nothing that prevents him from living downstairs as part of your household. You don't have to make it an "accessory apartment." You can have his bedroom and whatever down there and he can live there, if he's got problems and he can't go upstairs.

Mr. stated the problem is then he would not have access to a kitchen. There's nobody else home because my sister works all day and it's stairs. I mean anybody who knows what an aneurysm is, is overexertion and it can burst. The whole basis really is to give him something on a level

surface and something where during the day that he can access a refrigerator, collect some meals for him or something like that. My sister's a bus driver, she's out early in the morning to be at her job and he's on his own. There's nobody else in the house and he's on his own so he has to have the ability to have something there to be able have things...

Mr. Raymond Reber stated again, food could be prepared for him, left for him. A refrigerator is not a kitchen if you want to have a refrigerator.

Mr. stated no, but we were told that you can't have a microwave. You can't have a toaster oven. You can't have any of those things. I understand what you're telling me. We're just trying to do this the right way.

Mr. Raymond Reber stated well, from our point-of-view, like I said, we have to look at it in terms of approving an accessory apartment. We're approving a second unit in the house that could be rented and that's the concern...

Mr. stated I just want to make it clear again so everybody knows, this area is – what do you call it there?

Ms. Roseanne Scolpini stated it's Cortlandt Colony and there's no renting allowed. You're not allowed to rent. You can't even move out and rent your own home. You know what I mean? There's no two-family homes there. You can't rent anything. There's no renting allowed. Even when you have someone move in the board has to even approve. Absolutely no renting allowed. It's in our bylaws.

Mr. Raymond Reber stated we'll get clarification from Code Enforcement as to what the rules are on that. Thank you.

Ms. Roseanne Scolpini stated I've been there about **28** years and there's absolutely no renting. They actually came to me when they saw the giant yellow sign and they came to me and said "for your dad right?" Because, we all know each other. It's a small neighborhood. I said "absolutely."

Mr. John Mattis stated I didn't mean to sound like I don't care. I do and I sympathize with you but we have to look at these all the time and if we start giving this away, it really sets a precedent and it makes it difficult for us to say no to anybody.

Ms. Roseanne Scolpini stated when my mom got sick, this was one of the reasons why I did this because when my mom got sick, she was in a wheelchair. She couldn't move around the house because it's a regular ranch-style house and the hallways were too narrow. So, she couldn't get from room to room without us moving her. If you'll notice that the hallway's wider because I took that into consideration. The doorways are wider because I took all that into consideration. I think that that might even be why everything just got bigger because I just kept remembering how confined she was.

Mr. stated and I just want to say the questions are reasonable. I didn't take it that way and I understand that what you're looking at is a flat piece of paper. If you really had a chance to take a look at it three dimensionally and see the space then it's easy to understand why the only way you could really do it or bring it down to the percentage that you want is really to, unfortunately, really block out a space, like a said.

Mr. David Douglas asked would a site visit make sense then? If what you're saying is that if we saw it we might have a different view, maybe it would make sense for us to have a site visit.

Mr. responded sure. If you want to look. I know we already had a site visit for the other compliance but if you want to take a look at it and then you can see exactly the way it's laid out. The other thing I'll point out is the reason why – and this was done by the architect, John Cutsumpas, and the reason why he chose that side was because if you look at the prints you'll see that the other side has the windows and we wanted to maintain the windows to have natural light come in and have more of a spacious side. That would be the side where, you know, you could put couches and have his TV setup and things like that and you don't spend so much time in a kitchen so shutting down that portion of it is really a dead area, so to speak. The only thing that we were going to do there was maybe add a little additional heat to give him some additional heat on that particular wall.

Mr. David Douglas stated so if we did a site visit, Ken what's the – usually we do it the Saturday before the meeting. The meeting is on June 18<sup>th</sup> so...

Mr. John Mattis stated it would be the 14<sup>th</sup>.

Mr. David Douglas asked are you around on the 14<sup>th</sup>?

Mr. responded we'll be around whenever you ask us to be around.

Mr. David Douglas stated what we would do is we'd have a site visit for 10 o'clock on the 14<sup>th</sup> of June. Is that okay?

Mr. responded absolutely

Mr. David Douglas stated that's what we'll do. We'll come out and we'll see it in person and talk it through and then we'll see where we go from there.

Mr. stated very good. We thank the Board for that.

Mr. Wai Man Chin stated and also there's a copy of the bylaws indicating that no rental, no whatever...

Ms. Roseanne Scolpini responded absolutely.

Ms. Adrian Hunte stated and the enlarged dimensions.

Ms. Roseanne Scolpini stated I'll have an updated copy.

Mr. asked **9** copies of enlarged prints?

Mr. David Douglas responded yes, that would be great.

Mr. Wai Man Chin stated because right now those – glasses can't even read...

Mr. asked do you want me to deliver them beforehand or do you want them the day that you come and visit?

Mr. John Mattis responded we'd like it for the work session.

Mr. Raymond Reber stated that day you can have it before the site visit that way we can maybe ask questions while we're...

Mr. stated I can get them done in an **11' x 17'**...

Mr. John Mattis stated this is what we have and those are the numbers down there. Even with my cheaters I can't make out anything.

Mr. David Douglas stated if you could get it before. Ken, when would you need it so it can be in our packets?

Mr. Ken Hoch responded at least a week before.

Mr. David Douglas stated we get all our information a week before the meeting so we'll then have it in advance of...

Mr. stated that's not a problem whatsoever.

Ms. Adrian Hunte asked would anyone in the audience like to be heard? We have someone who would like to be heard. Step up please.

Mr. Josh Brown stated I'm actually the president of the board of the Cortlandt Colony and I just wanted to add since there seems to be some question as to whether or not we allow rentals. We definitely do not allow rentals. They can provide you with the bylaws but that is in there. Additionally, I know for a fact that we have at least one other house in the neighborhood that has two kitchens. It's been done before. That's it.

Mr. David Douglas stated that may not...

Mr. John Mattis asked with approval?

Mr. Josh Brown responded I have no idea about approval or any locations or anything like that but I know that there is another place.

Mr. Wai Man Chin stated once you have another kitchen and it's an accessory apartment, we've got to make our point.

Mr. Josh Brown stated I think it's been done.

Mr. Wai Man Chin stated you know our points.

Mr. Josh Brown stated no, no, I'm not supporting or against it. It's just the question is to whether it was in the bylaws.

Mr. Wai Man Chin stated there might be an unusual circumstance or something like that we go by. This one we want to go by and read the bylaws and enlarged plans...

Mr. David Douglas stated thanks.

Ms. Adrian Hunte asked anybody else in the audience wish to be heard? Hearing none, on Zoning Board of Appeals **case #2014-10** Roseanne Scolpini for a Special Permit for an accessory apartment on property located at 39 Cardozza Avenue, Cortlandt Manor, NY I make a motion that we adjourn the matter to the June 18<sup>th</sup>, 2014 Zoning Board of Appeals meeting and that we schedule a site visit for 10 a.m. on June the 14<sup>th</sup>, 2014 and also that the applicant will supply Mr. Hoch with updated dimensional plans prior to the site visit scheduled for the 14<sup>th</sup> of June.

Mr. Raymond Reber stated and the bylaws.

Ms. Adrian Hunte stated and a copy of the bylaws indicating that no rentals are allowed as per Mr. Josh Brown, president of the Cortlandt Colony Association.

Seconded with all in favor saying "aye."

Mr. David Douglas stated that's what we will do. Thank you.

**B. CASE No. 2014-11                      Doug Williams** for an Area Variance for the front yard setback to construct an addition on property located at **29 Brandeis Ave., Cortlandt Manor.**

Ms. Adrian Hunte stated good evening.

Mr. Steve Secon stated I'm an architect working with Doug Williams on 29 Brandeis Avenue. The purpose of our visit for tonight is to seek an Area Variance for a **5** foot by **19** foot addition on the side of an existing non-conforming house. The house has somewhat unique layout in the fact that it has rights of way on both the east and west sides and the depth of the lot prohibits it from actually being fully recognized to have the ability to have the front and rear. In speaking to Ken, it was determined that we basically have two front yards and the eastbound side that is adjacent to Brandeis, which already has an **18** foot non-conformity for the existing house, we're increasing the non-conformity in the addition which has about a **7**-foot encroachment. We think this is a sensibly-sized addition for the lot and the program and the actual house and neighborhood and we're seeking approval for what we think is sensibly scaled Variance.

Mr. Wai Man Chin stated there's kind of a crazy road coming over there. Yes, I saw that and by looking at the plans and everything else, and actually the existing is actually closer to the lot line than the Variance that you're requesting. Based on that, you're not coming any closer than what it is now basically so I really don't see a problem with this, it's just that it is two front yards. It's kind of a crazy configuration of trying to get in there but I just don't see a problem with this one right now.

Mr. John Mattis stated I agree.

Mr. Charles Heady stated I agree too.

Ms. Adrian Hunte stated I agree as well. Question: is this also part of Cortlandt Colony?

Mr. Doug Williams responded yes.

Mr. Wai Man Chin asked do you have any questions? Anybody in the audience would like to speak on this? I make a motion on **case 2014-11** to close the public hearing.

Seconded with all in favor saying "aye."

Mr. David Douglas stated public hearing is closed.

Mr. Wai Man Chin stated I'm going to make a motion on **case 2014-11** to grant an Area Variance for the front yard setback from an allowed **30** feet down to **23.10** feet to construct an addition. This is SEQRA type II, no further compliance is required.

Seconded with all in favor saying "aye."

Mr. David Douglas stated your Variance is granted.

Mr. Charles Heady stated that was the easiest one we had tonight.

Mr. David Douglas stated that one was easy. I'm sorry that you were the last rather than earlier.

Mr. Doug Williams stated thank you all.

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**ADJOURNMENT**

Mr. Wai Man Chin stated I make a motion to adjourn the meeting.

Seconded with all in favor saying "aye."

Mr. David Douglas stated meeting's adjourned.

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**NEXT MEETING DATE:  
WEDNESDAY, JUNE 18, 2014**